

21 C.J.S. Courts § 210

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Courts

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VI. Rules of Adjudication, Decisions, and Opinions

B. Stare Decisis

2. Courts Making Prior Decision

§ 210. Federal decisions as precedents in state courts on federal questions

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West's Key Number Digest

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Decisions of the United States Supreme Court on federal questions are absolutely binding on state courts, but there is disagreement about the force of lower federal court decisions.

When the United States Supreme Court has fulfilled its duty to interpret federal law, a state court may not contradict or fail to implement the rule so established.¹ The decisions of the United States Supreme Court on federal questions are absolutely binding on the state courts and must be followed regardless of those courts' views.² Thus, a state supreme court, like any other state or federal court, is bound by the United States Supreme Court's interpretation of federal law.³

Decisions of the United States Supreme Court are also binding concerning the construction and effect of federal statutes⁴ and treaties of the United States.⁵ It is the Supreme Court's responsibility to say what a federal statute means, and once the Court has spoken, other courts must respect that understanding of the governing rule of law.⁶ Furthermore, since congressionally approved interstate compacts constitute a federal law subject to construction based on federal standards, the United States Supreme Court's interpretations of a compact are binding upon state and local courts.⁷

Generally, the decisions of the federal courts on construction of the Federal Constitution are binding on the state courts.⁸ In particular, state courts must follow the precedent established by the case law of the United States Supreme Court in resolving constitutional claims.⁹ In applying federal constitutional principles to state constitutional claims, however, the state supreme court does not necessarily apply the federal standards in the same way as the United States Supreme Court.¹⁰ Thus, a state court

is not free to impose greater restrictions as a matter of federal constitutional law than those imposed by the Supreme Court.¹¹ When the United States Supreme Court has decided a question of federal law that is directly applicable to and binding on the case the state courts are to decide, state courts owe obedience to the decisions of the Supreme Court,¹² and its judgment provides a rule to be followed until the Court sees fit to reexamine it.¹³

The views of federal courts of appeals, however, do not bind a state supreme court when it decides federal constitutional question.¹⁴ Similarly, decisions of the lower federal courts on federal questions that have not been decided by the United States Supreme Court are not binding on the state courts¹⁵ though they are entitled to respectful consideration¹⁶ when resolving a question of federal law in a uniform way¹⁷ and have some persuasive authority.¹⁸ Although the lower federal courts' decisions do not bind a state supreme court, the court gives them great weight when the rulings reflect a consensus.¹⁹ Conflicting decisions of the federal courts leave the state courts free to decide the question for themselves.²⁰

In the absence of controlling federal precedent, however, a state court may exercising its own judgment in adjudicating federal questions.²¹ Thus, a state high court's decisions interpreting the Federal Constitution are binding law in that state until the state high court or the United States Supreme Court declares a different rule.²² Conversely, a state intermediate appellate court may not follow a decision of the state supreme court on a matter of federal law if it conflicts with a later United States Supreme Court controlling decision.²³

CUMULATIVE SUPPLEMENT

Cases:

Precedent from the United States Court of Appeals for the Fifth Circuit is not binding on Texas courts when interpreting Texas statutes. [Cruz v. Abbott](#), 849 F.3d 594 (5th Cir. 2017).

Although the Arizona Supreme Court recognizes the persuasive value of federal courts' interpretation of a federal procedural rule, it is not binding in the construction of the state rule. [State v. Arizona Board of Regents](#), 507 P.3d 500 (Ariz. 2022).

Delaware Supreme Court is free to give Delaware citizens the benefit of the United States Supreme Court's rule in any fashion that does not offend federal law. [Powell v. Delaware](#), 153 A.3d 69 (Del. 2016).

Determining whether a new criminal rule from state caselaw has retroactive application to cases on collateral review is a matter of state law, and, in analyzing that issue, courts look to decision of the United States Supreme Court in *Teague* and its progeny for guidance. [Powell v. Delaware](#), 153 A.3d 69 (Del. 2016).

Although the Court of Appeals is not bound by the opinions of federal district courts, they may be considered for their persuasive value. [Charter Township of Ypsilanti v. Dahabra](#), 338 Mich. App. 287, 979 N.W.2d 725 (2021), appeal denied, 971 N.W.2d 635 (Mich. 2022).

Absent a United States Supreme Court pronouncement, the decisions of federal courts are not binding on Pennsylvania state courts, even when a federal question is involved. [Wenk v. State Farm Fire and Casualty Company](#), 2020 PA Super 26, 228 A.3d 540 (2020).

[END OF SUPPLEMENT]

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Footnotes

- 1 U.S.—*Marmet Health Care Center, Inc. v. Brown*, 132 S. Ct. 1201, 182 L. Ed. 2d 42 (2012).
- 2 U.S.—*Chesapeake & O. Ry. Co. v. Martin*, 283 U.S. 209, 51 S. Ct. 453, 75 L. Ed. 983 (1931).
La.—*Costanza v. Caldwell*, 167 So. 3d 619 (La. 2015).
N.H.—*State v. Melvin*, 150 N.H. 134, 834 A.2d 247 (2003).
Pa.—*Com. v. Tedford*, 598 Pa. 639, 960 A.2d 1 (2008).
- 3 U.S.—*James v. City of Boise, Idaho*, 136 S. Ct. 685, 193 L. Ed. 2d 694 (2016).
- 4 U.S.—*James v. City of Boise, Idaho*, 136 S. Ct. 685, 193 L. Ed. 2d 694 (2016); *State of South Carolina v. Bailey*, 289 U.S. 412, 53 S. Ct. 667, 77 L. Ed. 1292 (1933).
Pa.—*Com. v. Jemison*, 626 Pa. 489, 98 A.3d 1254 (2014).
- 5 Mass.—*Universal Adjustment Corp. v. Midland Bank, Ltd., of London, England*, 281 Mass. 303, 184 N.E. 152, 87 A.L.R. 1407 (1933).
Tex.—*Sandsend Financial Consultants, Ltd. v. Wood*, 743 S.W.2d 364 (Tex. App. Houston 1st Dist. 1988).
- 6 U.S.—*James v. City of Boise, Idaho*, 136 S. Ct. 685, 193 L. Ed. 2d 694 (2016).
- 7 D.C.—*Grant v. U.S.*, 856 A.2d 1131 (D.C. 2004).
Mass.—*Com. v. Copson*, 444 Mass. 609, 830 N.E.2d 193 (2005).
- 8 U.S.—*Montgomery v. Louisiana*, 136 S. Ct. 718, 193 L. Ed. 2d 599 (2016); *State of South Carolina v. Bailey*, 289 U.S. 412, 53 S. Ct. 667, 77 L. Ed. 1292 (1933).
- 9 U.S.—*Montgomery v. Louisiana*, 136 S. Ct. 718, 193 L. Ed. 2d 599 (2016).
Md.—*Kelly v. State*, 436 Md. 406, 82 A.3d 205 (2013), cert. denied, 135 S. Ct. 401, 190 L. Ed. 2d 289 (2014).
Pa.—*Com. v. Jemison*, 626 Pa. 489, 98 A.3d 1254 (2014).
- 10 Iowa—*Reilly v. Iowa Dist. Court for Henry County*, 783 N.W.2d 490 (Iowa 2010).
- 11 U.S.—*Arkansas v. Sullivan*, 532 U.S. 769, 121 S. Ct. 1876, 149 L. Ed. 2d 994 (2001); *Minnesota v. Clover Leaf Creamery Co.*, 449 U.S. 456, 101 S. Ct. 715, 66 L. Ed. 2d 659 (1981).
Greater protection under the state constitution, see §§ 211, 212.
- 12 Alaska—*Native Village of Tununak v. State, Dept. of Health & Social Services, Office of Children's Services*, 334 P.3d 165 (Alaska 2014).
- 13 Alaska—*Native Village of Tununak v. State, Dept. of Health & Social Services, Office of Children's Services*, 334 P.3d 165 (Alaska 2014).
- 14 U.S.—*Johnson v. Williams*, 133 S. Ct. 1088, 185 L. Ed. 2d 105 (2013); *Pensinger v. Chappell*, 787 F.3d 1014 (9th Cir. 2015)

- Ala.—*Ex parte Johnson*, 993 So. 2d 875 (Ala. 2008).
- Pa.—*Miller v. Southeastern Pennsylvania Transp. Authority*, 65 A.3d 1006 (Pa. Commw. Ct. 2013).
- 15 U.S.—*Ji v. Bose Corp.*, 626 F.3d 116 (1st Cir. 2010).
- Ariz.—*State v. Montano*, 206 Ariz. 296, 77 P.3d 1246 (2003).
- Conn.—*Collins v. Anthem Health Plans, Inc.*, 266 Conn. 12, 836 A.2d 1124 (2003).
- Iowa—*Top of Iowa Co-op. v. Sime Farms, Inc.*, 608 N.W.2d 454, 41 U.C.C. Rep. Serv. 2d 1 (Iowa 2000).
- Kan.—*Sierra Club v. Moser*, 298 Kan. 22, 310 P.3d 360 (2013).
- Tenn.—*State v. Carruthers*, 35 S.W.3d 516 (Tenn. 2000).
- 16 Ariz.—*State v. Gates*, 118 Ariz. 357, 576 P.2d 1357 (1978).
- Iowa—*Top of Iowa Co-op. v. Sime Farms, Inc.*, 608 N.W.2d 454, 41 U.C.C. Rep. Serv. 2d 1 (Iowa 2000).
- 17 Cal.—*Friends of Eel River v. North Coast Railroad Authority*, 178 Cal. Rptr. 3d 752 (Cal. App. 1st Dist. 2014).
- 18 Conn.—*Collins v. Anthem Health Plans, Inc.*, 266 Conn. 12, 836 A.2d 1124 (2003).
- La.—*FIA Card Services, N.A. v. Weaver*, 62 So. 3d 709 (La. 2011) (as helpful guidance).
- N.C.—*State v. Berryman*, 360 N.C. 209, 624 S.E.2d 350 (2006).
- Pa.—*Miller v. Southeastern Pennsylvania Transp. Authority*, 65 A.3d 1006 (Pa. Commw. Ct. 2013).
- Tenn.—*State v. Carruthers*, 35 S.W.3d 516 (Tenn. 2000).
- Great weight**
Conn.—*State v. Faria*, 254 Conn. 613, 758 A.2d 348 (2000).
- 19 Cal.—*Coral Const., Inc. v. City and County of San Francisco*, 50 Cal. 4th 315, 113 Cal. Rptr. 3d 279, 235 P.3d 947 (2010).
- 20 Mich.—*People v. Gillam*, 479 Mich. 253, 734 N.W.2d 585 (2007).
- N.Y.—*423 South Salina Street, Inc. v. City of Syracuse*, 68 N.Y.2d 474, 510 N.Y.S.2d 507, 503 N.E.2d 63 (1986).
- Wash.—*Modern Supply Co. v. Federal Sav. & Loan Ins. Corp.*, 50 Wash. App. 194, 748 P.2d 251 (Div. 1 1987).
- 21 Ark.—*Sirman v. Sloss Realty Co.*, 198 Ark. 534, 129 S.W.2d 602 (1939).
- Cal.—*People v. Tacy*, 195 Cal. App. 3d 1402, 241 Cal. Rptr. 400 (6th Dist. 1987).
- Mich.—*Bruno v. Department of Treasury*, 157 Mich. App. 122, 403 N.W.2d 519 (1987).
- 22 Wis.—*State v. Ward*, 2000 WI 3, 231 Wis. 2d 723, 604 N.W.2d 517 (2000).
- 23 Wis.—*State v. Jennings*, 2002 WI 44, 252 Wis. 2d 228, 647 N.W.2d 142 (2002).

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